

REMARKS

This case has been carefully reviewed in light of the Office Action dated June 14, 2005 and reconsideration in light of the above amendments and following remarks is respectfully requested.

Specification:

The specification has been amended in paragraphs 12, 29 and 32 to correct the spelling of the word "trunnion".

Claims

Independent claim 1 has been amended to include some of the subject matter found in claims 2 and 16. The subject matter has been deleted from claims 2 and 16. A new claim 28 has been presented which depends on claim 1 that includes subject matter from claim 2 and claim 2 has been amended to depends from claim 28. A new claim 29 has been presented which depends on claim 28 and is based on the subject matter of claim 9.

Claims 8, 15, 21, and 27 have been amended to correct the spelling of "trunnion". Claim 27 has also been amended at line 2 to change "a" to -- an --.

35 USC § 102(b)

The Examiner has rejected claim 1 under 35 USC §102(b) as being anticipated by Lindquist (US Patent 3,512,899). The Examiner is respectfully requested to reconsider his rejection based on the amendments made to the claims and the following comments.

Claim 1 of the present invention recites:

A hydraulic turbine distributor comprising:

a stay ring comprising upper and lower stay ring portions and a plurality of annularly spaced apart stay vanes each extending between the upper and lower stay ring portions;

a flow mouth located inside of the stay ring;

a plurality of **wicket gates** mounted to the flow mouth and having outer edge portions moveable adjacent the stay ring to **define sweep areas adjacent the upper and lower stay ring portions of the stay ring**; and,

at least one first fish friendly projection extending from at least one of the upper and lower stay ring portions of the stay ring adjacent the sweep areas and acting as a first barrier preventing fish from being trapped between the wicket gates and the stay ring.

Claim 1 now definitely recites that the wicket gates define sweep areas adjacent the upper and lower stay ring portions of the stay ring. The claim further recites that at least one fish friendly projection extends from at least one of the upper and lower stay ring portions of the stay ring adjacent the sweep areas and that this acts as a first barrier preventing fish from being trapped between the wicket gates and the stay ring.

It is submitted that Lindquist does not address the problem of the present invention which is to prevent fish from being trapped between the space underneath the wicket gate as it passes over the lower and upper portions of the stay ring. In particular reference may be made to Figure 2 of Lindquist which shows the lower portion of the stay ring 3 being spaced below the lower portion of the wicket gate 6. The enlarged view of Figure 2 is a better view than that shown in Figure 1. Further, Lindquist does not show any projection extending from either the upper or lower portions of the stay ring. In view of this, it is respectfully submitted that the subject matter recited in claim 1 is not anticipated by Lindquist.

New Claims 28 and 29.

New claims 28 and 29 are directed to the fish friendly projection having a first sill portion projecting outwardly of the lower lip and at least co-extensive with and adjacent to at least one of the sweep areas, and at least one of the fish friendly projection having a first apron portion extending from the first sill portion to the lower stay ring portion. Claim 29 relates to a second fish friendly projection having a second seal portion and a second apron portion. It is submitted that these features are not shown or disclosed by Lindquist.

Allowable Subject Matter:

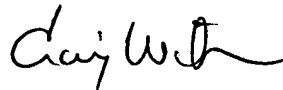
The examiner has indicated that the subject matter of claims 2 to 27 would be allowable if rewritten in independent form. These claims are believed

to be allowable in the present form since they are believed to depend from claims that patentably distinguish over the cited art.

Summary

In view of the foregoing, Applicant respectfully submits that claims 1 to 29 are in condition suitable for allowance. Favorable reconsideration and allowance of these claims is respectfully requested.

Respectfully Submitted,



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